AUG 19 1986
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Calendar No. 780

99TH CONGRESS
2d Session

SENATE

REPORT
99-374

H.212 ORIGINAL

PRAVINCHANDRA AND KAMALA BHUVA

AUGUST 6 (legislative day, AUGUST 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 527]

The Committee on the Judiciary, to which was referred the bill (S. 527) for the relief of Pravinchandra and Kamala Bhuva, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

Granting the status of permanent residence to Pravinchandra and Kamala Bhuva. The bill provides for the payment of the required visa fees and for appropriate visa number deductions.

STATEMENT OF FACTS

The beneficiary, Pravinchandra Bhuva, entered the U.S. on September 5, 1968, as a student. Kamala Bhuva entered the U.S. on December 5, 1970, as a wife of a student. On May 20, 1971, Mr. Bhuva's application for a labor certification was denied. He has worked for New York Life Insurance Company since February 1974 as a salesman. Mrs. Bhuva has been employed by a company in Montgomeryville, PA, as a test operator since August 1977. The beneficiaries have two U.S. citizen children.

The beneficiaries received an extension of their stay until December 15, 1971. On August 28, 1972, they were found deportable at a deportation hearing and granted voluntary departure. They appealed to the Board of Immigration Appeals who upheld the immigration judge's order. On May 24, 1982, the Third Circuit Court of Appeals dismissed their petition for review and a warrant of deportation was issued on February 14, 1985.

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A letter, with attached memorandum, dated March 25, 1986, to the Chairman of the Senate Committee on the Judiciary, from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, March 25, 1986.

A18 247 315.
A19 339 934.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 527) for the relief of Pravinchandra Bhuva and Kamala Bhuva, there is attached a memorandum of information concerning the beneficiaries.

The bill would waive the provisions of the Immigration and Nationality Act relating to labor certification and would grant the beneficiaries permanent residence in the United States, as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

The beneficiaries, natives of India, are chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner:
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 527

The beneficiaries, Pravinchandra Bhuva and Kamala Bhuva, natives and citizens of India, were born November 9, 1938 and December 17, 1949, respectively. They were married August 19, 1968 in India. They reside in Norristown, Pennsylvania with their two United States citizen children, who were born September 16, 1971 and June 11, 1974. They have a joint income of approximately $30,000 annually. The beneficiaries list assets consisting of stocks totaling about $35,000. Neither beneficiary has authorized employment.

The beneficiary, Pravinchandra Bhuva, received approximately eighteen years of education in India and two years in the United States. He has been employed by the New York Life Insurance Company since February 1974 as a salesman, working on a commission basis. The beneficiary has a brother residing in Randolph, New Jersey who entered the United States on June 22, 1983 a as a lawful permanent resident. The beneficiary entered the United States on September 5, 1968 as a student. On May 20, 1971, the beneficiary's special application for a labor certi-

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fication was denied. His father is deceased and his mother is a resident and citizen of India.

The beneficiary, Kamala Bhuva, received twelve years of education in India. She has been employed since August 1977 by a company in Montgomeryville, Pennsylvania as a test operator. She entered the United States on December 5, 1970 as the spouse of a student. Her parents are citizens and residents of India.

The beneficiaries received an extension of their stay in the United States until December 15, 1971. On August 28, 1972, at a deportation hearing they were found deportable and were granted voluntary departure. They appealed to the Board of Immigration Appeals who upheld the immigration judge's order. On May 24, 1982, the Third Circuit Court of Appeals dismissed their petition for review. A warrant of deportation was issued on February 14, 1985.

Senator Arlen Specter has submitted the following information in support of his bill:

RELIEF OF PRAVINCHANDRA AND KAMALS BHUVA

Mr. SPECTER. Mr. President, I rise today to introduce legislation on behalf of an immigrant family, the Bhuvas, who have lived in this country continuously for nearly 17 years, have 2 American born children ages 10 and 13, and are a productive, upstanding part of their community outside Philadelphia, who are facing imminent deportation which will return the family to India, where they are now nearly as much foreigners as they are here in the United States. This deportation would impose severe hardship on the Bhuva family, and in this legislation I am seeking to grant them permanent residence status.

The children, a boy and a girl, were both born and raised in the United States and are American citzens. Mr. Bhuva came to America to study chemistry and currently owns a business in a suburb of Philadelphia. The family lives in a single family home and the children attend public schools were they are doing very well—the daughter is in the gifted student program for mathematics. The children have been raised as Americans and appear to have only a superficial knowledge of their Indian heritage. They do not speak their parents' native language, have not been raised with the Hindu religious customs of their forbearers, do not wear traditional clothing, and eat an American diet. In short, the family has been throughly assimilated into the American way of life.

In addition to the trauma that such an uprooting would have on any child, the Bhuva children present an especially compelling case. The children have already experienced a brief but disastrous visit to India, in June of 1980. Intended to last through the summer, the trip was abruptly terminated when the childrens' difficulty adjusting to the Indian diet and culture became a physical as well as psychological threat. Both children lost a great deal of weight, and the girl contracted hepatitis. The impact of the trip was traumatic for both children.

In addition, the Bhuvas have been informed that the only English speaking schools in the area of India to which they would be sent cannot enroll their children for at least 3 years.

There are also severe financial hardships involved in the Bhuvas' transplant to India. Mr. Bhuva has filed an affidavit stating that his remaining family in India cannot help them with housing or food or anything else, even temporarily. In addition, he has letters from a number of firms where he has inquired about possible employment in India, none of which offer him employment.

After 17 years in this country, the Bhuvas are in the tragic situation of being foreigners both here and in India, particularly the children, who are totally Americanized.

The Bhuvas lawyers are continuing to pursue every legal option, but have conceded that the chances of their being able to stop the deportation are very slim.

Private relief legislation is the only remaining option.

Mr. President, I am the son of immigrants. My parents came to this country with little more than an ambition of making a better life for their family than they had known themselves. Pravinchandra Bhuva—and thousands of immigrants like him who have lived and worked in this country for many years—harbors the same ambition for himself and his family.

Through hard work and initiative, he and his wife have come far toward realizing their ambition, and in doing so have enriched the lives of their community and the United States.

We are a nation that has grown great by opening its doors. To allow immigrants who have made a productive life for themselves here and who seek to contribute to their communities to join us as permanent residents is to the benefit of all.

U.S. SENATE,
Washington, DC, March 8, 1985.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, U.S. Senate, Washington, DC.

DEAR ALAN: I am dictating this letter to you into a tape recorder after just having left the home of Mr. and Mrs. Pravinchandra Bhuva who live at 609 Elmway Circle, Norristown, Pennsylvania.

This is the family which the Immigration and Naturalization Service is seeking to deport with the deporation date now standing for Wednesday, March 13.

I visited their home which is about a 45-minute automobile ride from the Federal Building in Philadelphia in order to be able to give your a first-hand report about this family.

Mr. Bhuva came to the United States in 1968 to study chemistry. He graduated from the University in Monroe, Louisiana and then got a master's degree in Boston. He then came to Pennsylvania where he settled in Montgomery County, where he now lives. He operates a food store on Main Street in Norristown specializing in spicy condiments.

The Bhuva's have two children, a daughter Ashmita, age 13 and a son Kalpin, age 10.

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The young girl is gifted in mathematics and the young boy has done very well in his school work, I saw their report cards and diplomas which show that they are outstanding students.

It would be a tragedy to compel this family to return to India. Of course, the children are U.S. citizens and cannot be compelled to return, but it is unthinkable that this family with these young children should be split up. As reported to me, the family made a trip to India a few years ago and it was very difficult for the entire family, especially the children, and they returned to the United States because of the problems that they had there.

In the legal file, there is a report from a psychiatrist advising of the severe emotional distress which would be inflicted on the young girl if she was compelled to return to India at this time of her life.

When I look at this family, I cannot help but to reflect on my father wo immigrated to Philadelphia from the Ukraine in 1911. I am not all that sure that Harry Specter's papers were in such good order; and if some one had pressed the technicalities with sufficient intensity, I might well be living in the Ukraine today, if I were living at all.

It seems to me that the Immigration and Naturalization Service simply has to do a better and more humane job of analyzing these cases on an individual basis. Anyone who came to this household and saw this family would consider it unthinkable and unconscionable to compel them to return to India.

I am writing you today with this letter to be telexed to your office in Washington so that you will have this information at the earliest date since we are out of session next week.

My itinerary calls upon me to travel through western Pennsylvania on Monday, Tuesday and Wednesday, so I will not be in Washington until late Wednesday evening.

If you need any further information, please have your secretary call mine; and I will get back to you from wherever I am.

Thanks very much, as always, for your very thoughtful consideration.

Sincerely,

ARLEN SPECTER.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact inasmuch as it affects just two individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 527) should be enacted.

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